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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,610	09/27/2001	Gregory Robert Roelofs	US018149	4781

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EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
2674	8

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

382/213
215
256
283

Office Action Summary

Application No.

09/966,610

Applicant(s)

ROELOFS, GREGORY ROBERT

Examiner

DUC Q DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady (U. S. Patent No. 4,140,997) in view of Weiner (Pub. No.: 2002/0030638).

In reference to claims 1-3 and 12, Brady discloses an electronic visual display systems which operate on an input signal to provide visual outputs having patterns, colors and motions which may be varied in accordance with a predetermined scheme. The amplitude, tempo and frequency content of the input signals are used in a variety of logical selection functions to control the color, pattern and motion of lights in a visual display matrix having three dimensional properties in a manner influenced by the contents of programmed memory components. The memory component programming is sufficiently flexible to provide a variety of visual effects from the systems (see Fig. 1-2 and associated text). Weiner implicitly discloses that a display can

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be conformable to any surface of an object (by virtue of the operation described in Figs. 9-10 and page 5 [0050]).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to learn the teaching of Weiner, i.e.: making the display being flexible for covering surface object, in the device of Brady so that the display can be used in different audio or video devices for displaying visual sound effect for the system.

In reference to claim 6, Brady discloses a switch 125 is provided to select the divider output of the display clock divider 123 to provide a clock input to a display program counter 127 via the switch 125. When the switch 125 is in any of the positions except position A shown in FIG. 4b, the output of display clock divider is sampled under manual control. When switch 125 is in position A the clock rate is placed under program control of the contents of a divider clock memory 129 whose function will be discussed in more detail subsequently.

In reference to claim 7, Brady discloses the programmable frequency content selection logic in Fig. 1.

In reference to claims 9-11, Brady discloses in FIG. 5a the visual display system individual lighting components is illustrated in more detail. A geometrically shaped, frosted, plastic or glass diffuser cover 42, 43 is used to diffuse the light from a colored light bulb source 44 which is mounted in a conventional light socket 45 on the display base board 41. The diffuser cover 42, 43 is frosted so that it emanates the light bulbs' color uniformly across its entire surface. Thus each light in the display array of FIG. 6 allows a uniformly pure color emanation without producing a point source effect. Moreover, the display light covers 42 and 43 may be made in a variety of geometrical shapes and sizes as illustrated in the matrix of FIG. 5b. These

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diffuser covers also serve to conceal the shape and color of the bulb contained therein so that when a particular bulb is not illuminated in a display its color remains concealed from external visual contact. The diffuser covers 42 and 43 comprise a translucent, frosted or matte finish plastic.... While a particular display matrix utilizing conventional light bulbs has been illustrated with respect to the systems of the present invention, it will be appreciated by those skilled in the art that light emitting diode (LED) sources could be used, if desired, or other more conventional visual displays including color cathode ray tubes (CRT) could be used as desired for the display portion 33, 34, 35 of the system of FIG. 2. The novel three-dimensional display system described with respect to FIGS. 5a and 5b, however, gives an effect heretofore unknown in the prior art (col. 6, line 56-col 7, line 39). In addition, Weiner discloses that the substrate 20 may include a paper or comparable textile-based substrate, a portion of which may be conducive to various marking, copying, printing or silk-screening tasks, such as ordinary bond paper, cloth or linen paper, of any size, weight and color; and may also include other materials such as transparency materials, vinyl, labels, card stock, vellum, cotton, Nylon.RTM., polyesters, Tyvek.RTM., etc. As described below, other components associated with the memory may also be embedded with or affixed to the substrate material. It is further contemplated, and applicable to many of the applications described below, that the substrate may include another, upper layer to waterproof, weatherproof or otherwise seal a surface of the substrate from its environment. Such a substrate may be used outdoors, perhaps affixed to the outside of a vehicle or structure (page 2 [0026]).

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4. Claim 4-5 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady and Weiner in view of Lebby et al. (U. S. Patent No. 5,534,888).

In reference to claims 4-5, Brady and Weiner do not disclose the device is used electroluminescent material or transistors. Lebby discloses an electronic book are made by suitable technology, such as, but not limited to, liquid crystal display technology, vacuum field emission device technology, electro-luminescent technology, plasma liquid crystal technology, light emitting diode technology, and the like.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to learn the teaching of Weiner, i.e.: using the electroluminescent or liquid crystal display, in the system of Brady and Weiner for providing flexible display device for the system.

In reference to claims 13-15, refer to the rejection as applied to claims above. In addition, Lebby discloses that the electroluminescent comprising polymer display as claimed (page 7, lines 13-15).

In reference to claim 16, Weiner discloses that the display is used for a CE device such as the GPS system as claimed.

Response to Arguments

Applicant's arguments, see pages 6-8 of the request for reconsideration filed 12/08/03, With respect to the art rejection to 1-3, 6-7 and 9-12, applicant argues that "the examiner fails to explain how such electronic paper could be successfully incorporated into Brady, how would

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such electronic paper be activated. However, these arguments are not cited in the rejected claims the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to learn the teaching of Weiner, i.e.: making the display being flexible for covering surface object, in the device of Brady so that the display can be used in different audio or video devices for displaying visual sound effect for the system.

In response to the argument ... the resulting combination would not result in a display apparatus comprising a first moldable layer having a plurality of light emitting devices, wherein the second moldable layer is manufactured from one of a transparent or translucent material as cited in claims 9 and 11". In response, Weiner discloses that the substrate 20 may be one or more layers and the substrate 20 may include a paper or comparable textile-based substrate, a portion of which may be conducive to various marking, copying, printing or silk-screening tasks, such as ordinary bond paper, cloth or linen paper, of any size, weight and color; and may also include other materials such as transparency materials, vinyl, labels, card stock, vellum, cotton, Nylon.RTM., polyesters, Tyvek.RTM., etc. As described below, other components associated with the memory may also be embedded with or affixed to the substrate material. It is further contemplated, and applicable to many of the applications described below, that the substrate may include another, upper layer to waterproof, weatherproof or otherwise seal a surface of the

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substrate from its environment. Therefore, it would have been obvious to provide the teaching of Weiner, i.e.: provide the transparent multiple layers substrate, in the Bradley display device to conform to a surface of an object as shown in Fig. 4-11 of Weiner. The rejection, therefore, is maintained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-4700.

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DUC Q DINH

Examiner

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DQD

December 24, 2003



RICHARD HUERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000